

REMARKS

Examiner comments with respect to adding a summary of the invention to the specification have been addressed with the amendments to the specification described above.

Claims 1-3, 6-12, 15-17 and 19-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Weaver (U.S. Patent Number 5,584,049) in view of Doi (U.S. Patent Number 5,499,395). Respectfully disagreeing with these rejections, reconsideration is requested by the applicants. Nonetheless, the applicants have amended independent claims 1 and 10 to more clearly highlight the patentability of the present invention over the prior art.

Independent claim 1 recites "determining whether an active data packet transmission is in progress via the first BTS; and **increasing a transmission rate of the active data packet transmission** from the first BTS when the active data packet transmissions is determined to be in progress and **responsive to the command to remove the first BTS from the communication system.**" Independent claim 10 recites that "the first BTS is further adapted to determine whether an active data packet transmission is in progress via the first BTS and adapted to **increase a transmission rate of the active data packet transmission** when the active data packet transmissions is determined to be in progress and **responsive to the command to remove the first BTS from the communication system.**" In the Examiner's comments regarding claims 2-3 and 11-12, the Examiner takes official notice that the use of idle channels for increasing the transmission rate of active calls is well known. However, the applicants submit that neither the references cited nor the official notice taken by the Examiner teach or suggest increasing the transmission rate of the active data packet transmission in response to the command to remove the first BTS. While many ways of increasing the transmission rate of an active data packet transmission may be known, the claims recite a trigger for when to increase the transmission rate.

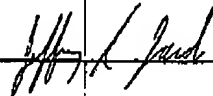
Since none of the references cited, either independently or in combination, teach all of the limitations of independent claims 1 or 10, or therefore, all the limitations of their

respective dependent claims, it is asserted that neither anticipation nor a prima facie case for obviousness has been shown. No remaining grounds for rejection or objection being given, the claims in their present form are asserted to be patentable over the prior art of record and in condition for allowance. Therefore, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117 – Motorola, Inc.

Respectfully submitted,
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